

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

MICHAEL SEAN SPEIGHT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:24-cv-00055-LM-AJ
)	
AMANDA KABELLEIN,)	
MICHAEL KABELLEIN,)	
NANCY KABELLEIN,)	
JUDGE GEORGE PHELAN, and)	
ERIC STEPHAN,)	
)	
Defendants.)	
)	

**DEFENDANTS MICHAEL KABELLEIN AND NANCY KABELLEIN'S
MOTION TO EXTEND THE TIME TO FILE A MOTION TO DISMISS
OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT
AND/OR TO SET ASIDE ENTRY OF DEFAULT**

Defendants Michael Kaelblein and Nancy Kaelblein hereby move to extend the time for them to file a motion to dismiss or otherwise respond to Plaintiff's Complaint to and including June 15, 2024. In support of this Motion, Defendants state as follows:

1. Defendants Michael Kaelblein and Nancy Kaelblein were served on or about April 24, 2024 with Plaintiff's Summons in a Civil Action.
2. However, that Summons did **not** include the Plaintiff's Complaint in this case. Defendants Michael Kaelblein and Nancy Kaelblein therefore had no way to respond to same and believed they had no obligation to do so.
3. On or about May 30, 2024, Defendants Michael Kaelblein and Nancy Kaelblein received Plaintiff's Motion for Default Judgment.

4. Defendants Michael Kaelblein and Nancy Kaelblein promptly took steps to identify and retain counsel. On June 5, 2024, they retained undersigned counsel to represent them in this matter.

5. Undersigned counsel needs additional time to draft a response to the Complaint.

6. Defendants Michael Kaelblein and Nancy Kaelblein are therefore requesting an additional ten (10) days from today's filing in which to respond.

7. To the extent a default judgment has or will be entered pursuant to Federal Rule of Civil Procedure 55(a), it should be set aside for good cause. *See Fed. R. Civ. P. 55(c).* The Kaelbleins were not properly served with the Complaint and were therefore led to believe there was nothing to which their response was required. Immediately upon receiving Plaintiff's Motion for Default, the Kaelbleins consulted with attorneys to prepare a response.

8. This is Defendants Michael and Nancy Kaelblein's first requested extension, and no party will be prejudiced by the requested extension as, to the best of Defendants' knowledge, no discovery has been exchanged and no trial date has been scheduled.

WHEREFORE, Defendants Michael Kaelblein and Nancy Kaelblein respectfully request that this Court extend the time for them to file a motion to dismiss or otherwise respond to Plaintiff's Complaint to June 15, 2024.

Respectfully submitted,
Michael Kaelblein and Nancy Kaelblein
By their Attorneys
Welts, White & Fontaine, P.C.

Date: 06/07/24

By: /s/ Nicole Fontaine Dooley
Nicole Fontaine Dooley, Esq.
NH Bar No. 266186
29 Factory St./P.O. Box 507
Nashua, NH 03061-0507
(603) 883-0797

nfontainedooley@lawyersnh.com

CERTIFICATE OF SERVICE

I, Nicole Fontaine Dooley, hereby certify that on June 5, 2024, this document was filed through the ECF system and sent electronically to the registered participants as identified on the notice of electronica filing (NEF) and by first class mail to non-registered participants.

/s/ Nicole Fontaine Dooley
Nicole Fontaine Dooley

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

MICHAEL SEAN SPEIGHT,)
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Plaintiff,)
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v.) Case No. 1:24-cv-00055-LM-AJ
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AMANDA KAEUBLEIN,)
MICHAEL KAEUBLEIN,)
NANCY KAEUBLEIN,)
JUDGE GEORGE PHELAN, and
ERIC STEPHAN,)
)
Defendants.)

**AFFIDAVIT OF DEFENDANTS MICHAEL KAEUBLEIN AND NANCY KAEUBLEIN
IN SUPPORT OF THEIR MOTION TO EXTEND THE TIME TO FILE A MOTION TO
DISMISS OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT
AND/OR TO SET ASIDE ENTRY OF DEFAULT**

We, Michael Kaelblein and Nancy Kaelblein, having been duly sworn, make this affidavit in support of our Motion to Extend the Time to File a Motion to Dismiss or Otherwise Respond to Plaintiff's Complaint and/or to Set Aside Entry of Default:

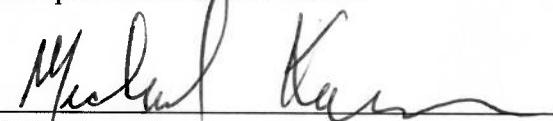
1. We are Defendants in this matter.
2. We are fully familiar with the facts set forth in this affidavit and make each statement contained herein based upon our own personal knowledge or upon review of the files in our possession.
3. We were served on or about April 24, 2024 with Plaintiff's Summons in a Civil Action.

4. However, the Summons we were served with did **not** include the Plaintiff's Complaint in this case. We had no way to respond to same and believed we had no obligation to do so.

5. On or about May 30, 2024, we received Plaintiff's Motion for Default Judgment.

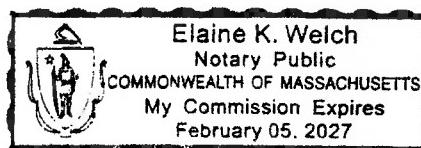
6. We promptly took steps to identify and retain counsel. On June 5, 2024, we retained Attorney Nicole Fontaine Dooley as counsel to represent us in this matter.

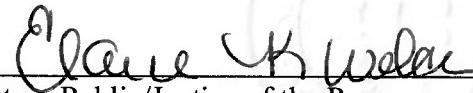
Date: June 6, 2024


/s/ Michael Kaelblein

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF Middlesex

Subscribed and sworn to before me this 6th day of June, 2024.



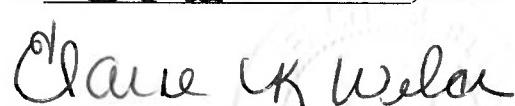

Elaine K. Welch
Notary Public/Justice of the Peace

Date: June 6, 2024

/s/ Nancy Kaelblein

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF Middlesex

Subscribed and sworn to before me this 6th day of June, 2024.


Elaine K. Welch
Notary Public/Justice of the Peace

